

May 19, 2004

Summary of Amendments Made in Order to H.R. 4200 - The National Defense Authorization Act for FY 2005

The following are summaries of the amendments made in order under the structured rule for today's consideration of the Defense Authorization bill (H.R. 4200). Debate time is indicated parenthetically after each amendment summary.

Amendments may only be offered in the order listed below.

Goode #5: Authorizes the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions before FY2007, to assist the Department of Homeland Security (upon its request) in the performance of border protection functions. Establishes an interagency training program and authorizes ongoing joint task forces. **(20 minutes)** *The House agreed to the same amendment last year by a vote of 250-179:* <http://clerk.house.gov/evs/2003/roll206.xml> **AGREED TO**

Davis, Susan #41: Permits abortions on-demand to be performed in any overseas U.S. military facility. Under current law, the use of military facilities for abortions are banned, except for life of the mother, rape and incest situations (enacted as part of the U.S. Code in 1996). **(20 minutes)** Though the Davis amendment would allow pregnant moms to pay for their own military facility abortions, taxpayers would still be required to subsidize the purchase of the abortion equipment and the salary for the abortionist, among other costs. The Davis amendment mirrors an amendment that Rep. Loretta Sanchez usually offers and which the House has rejected every year since 1996. This year the amendment was not offered in Committee. To view last year's floor vote on the exact same text see: <http://clerk.house.gov/evs/2003/roll215.xml> **FAILED**

RSC Note: When President Clinton allowed abortions in military facilities from 1993 to 1996, all military physicians (as well as many nurses and supporting personnel) refused to perform or assist in elective abortions. In response, the Clinton Administration sought to hire a civilian to do abortions. While the current Administration would not do this, future Administrations could.

Hunter #125: Expresses a sense of Congress concerning the abuse of persons in custody in Iraq. **(20 minutes)** **AGREED TO**

Weldon, Curt/ Murtha #16: Expresses the sense of Congress that the Secretary of Defense should assist the Iraqi Government in destroying the Abu Gharib prison (because of its history under Saddam Hussein) and replacing it with a modern detention facility. **(20 minutes)**

AGREED TO

Meek #39: Requires that the Secretary of Defense establish criteria for determining the types of critical information required to be made known expeditiously to senior DoD decision makers. The Secretary would have to give guidance to all DoD personnel with authority to commission assessments, evaluations, or investigations on what types of critical information would be necessary to pass up the chain of command. **(20 minutes) AGREED TO**

Hastings #85: Expresses a sense of Congress that no funds available to any federal department or agency could be used to provide reconstruction assistance in Iraq, unless the President certifies to Congress that the U.S. Government has entered into an agreement with the Iraqi Governing Council or a transitional Iraqi government under which Iraq agrees to expend a significant portion of its oil production revenues for reconstruction activities in Iraq. **(20 minutes) AGREED TO**

Jones #112: Adds the United States Coast Guard Academy and the United States Merchant Marine Academy to the list of institutions covered under section 556 of the underlying bill regarding the allowance of prayer at military service academies. **(20 minutes)**

WITHDRAWN

Kennedy, Mark #33: Eliminates the two-year BRAC delay contained in the underlying bill. Requires certain reports be submitted to Congress approximately six months before any potential vote to disapprove the recommendations of the BRAC Commission in order to review and hold hearings on the report. **(20 minutes) FAILED**

Tauscher/ Spratt #45: Transfers a total of \$36,557,000 from the Department of Energy's Robust Nuclear Earth Penetrator and Advanced Concepts programs to increase both intelligence capabilities to get at hard and deeply buried targets and improved conventional bunker-busting capabilities. **(20 minutes)** *Rep. Tauscher's amendment last year to transfer funds away from the Nuclear Earth Penetrator failed by a vote of 199-226:*

<http://clerk.house.gov/evs/2003/roll216.xml> **FAILED**

Hunter (Manager's Amendment) #114: Provides that individuals that support programs of the "Employer Support of the Guard and the Reserve," as authorized by the Secretary of Defense, are to be considered federal employees for the purposes of protection under various federal laws; requires a report before the Secretary implements a new program for the transportation of household goods of members of the Armed Forces and their dependents; increases the transfer authority contained in the FY2004 Defense Authorization Act (Public Law 108-136) from \$2.5 billion to \$3.0 billion; increases funding for Patriot missile procurement by \$90 million, with dollar-for-dollar offsets (from "Other Support Space Programs," Air Force Operation and Maintenance, and the Ballistic Missile Defense System Interceptor Program); requires a report from the Secretary of Defense on amounts remitted and reimbursed under section 1007 of the FY2004 Defense Authorization Act; makes the

supplemental appropriations provisions in the underlying bill effective upon enactment; and makes a technical cite correction. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Wamp #36: Makes following changes to Energy Employees Occupational Illness Compensation Program: (1) Eliminates pay cap for physicians and lets the market set the rate; (2) Eliminates restrictions on hiring authority, allowing Department of Energy to hire a federal or contractor employee; and (3) Eliminates the requirement that an application can only go to panel if a state agreement is in place, but still authorizes state agreements that the Department of Energy can still use for data and information exchanges. **(10 minutes) AGREED TO**

Dicks #76: Clarifies provisions in the bill relating to tanker procurement. Recommends a deadline of March 1, 2005 for the Department of Defense to resolve contract negotiations on tankers. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Hastings, Doc #126: Restores \$100 million to the Department of Energy's Defense Site Acceleration Completion account for a total of \$350 million (the President's budget request level). Offsets with a \$100 million reduction from the transportation capital fund in the Air Force Operation and Maintenance Account. **(10 minutes) SEE OTHER DOCUMENT ON ADDITIONAL AMENDMENTS**

Slaughter/ Capito/ Solis/ Brown-Waite #86: Requires the Secretary of Defense to develop by the end of this year a comprehensive policy for DoD on the prevention of and response to sexual assaults involving members of the Armed Forces, based on the recommendations of the DoD Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate. Defines sexual assault to include "rape, acquaintance rape, sexual assault, and other criminal sexual offenses." Requires DoD to take related measures to address sexual assaults involving members of the Armed Forces, such as reporting on the improvement of capabilities to respond to sexual assaults, applying the comprehensive policy to the military departments, modifying policies and procedures of military departments, annually assessing policies and procedures, and producing annual reports. **(10 minutes) AGREED TO**

Maloney #43: Directs the Secretary of Defense to eliminate the backlog in forensic evidence collection kits and to provide an adequate supply of forensic evidence collection kits at all domestic and overseas U.S. military installations, military academies, and theaters of operation. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Chabot #26: Requires that sureties would be treated in the same manner as financing institutions when contractors default. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Manzullo #7: Requires procurement officials within the Department of Defense to include the creation of jobs in the United States as a factor when evaluating proposals from contractors. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Davis, Danny (IL) #109: Authorizes landscaping services and pest control for inclusion in the Small Business Competitiveness Demonstration program. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Weldon, Curt (PA) #15: Requires the Secretary of Defense to enter into an agreement with the Secretary of Agriculture to use the Federal Excess Personal Property Program to facilitate the reutilization of Department of Defense excess property by rural firefighting agencies. The transfer of property to firefighting agencies must be given priority at least equal to that given to military departments and other entities within the Department of Defense. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Brown, Henry (SC) #49: Expands the Department of Defense Excess Personal Property Disposal Program to include health agencies. Provides that property transfer could only take place if the property in question was excess to the needs of DoD and suitable for responding to health or environmental emergencies. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Brown, Henry (SC) #48: Provides that if the Department of Defense proposes a new military construction project for a Military Treatment Facility, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding the feasibility of constructing a new joint medical facility for their respective Departments to serve as a facility for health resource sharing. Provides that the location for the new joint facility would be selected jointly by the two Secretaries with a focus on geographic considerations to enhance access for both military and veteran populations. Requires the Secretaries to take into account the advantages and disadvantages to beneficiaries of both Departments who receive health care services in facilities in close proximity that do not share health resources, as well as the common experience of both Departments in their several existing joint ventures. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Johnson, Timothy (IL) #25: Provides authority for removal of remains of certain persons interred in United States Military Cemeteries overseas. Provides that applications made to the Department of Defense may be approved only if the application presents sufficient evidence that at the time of the initial disposition decision, there was a misunderstanding or error related to that disposition decision that the Secretary finds warrants approval of the application. Provides that no costs associated with the removal and transportation of remains provided for may be paid by the United States. Provides a two-year time limit to submit an application from the date of enactment. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Baird #113: Requires the Secretary of Defense to study various aspects - including availability, accessibility, cost, and effectiveness - of mental health services available to U.S. military personnel deployed to combat theaters and their families. Requires the Secretary of Defense to submit results of the study, including a section detailing changes that should be made and problems/obstacles that need to be addressed, within 90 days of enactment. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Hefley #71: Specifies that the Board of Visitors to the United States Air Force Academy shall be made up of the Chairman of the Committee on Armed Services of the US Senate or his designee; 3 persons (2 Senators and 1 nonmember of the Senate) to be designated by the Vice President or the President Pro Tempore of the Senate; the Chairman of the Committee on Armed Services in the House or his designee; 4 persons (3 U.S. Representatives and 1 nonmember of the U.S. House) to be designated by the Speaker of the House; 6 persons designated by the President of the United States (2 of whom shall be U.S. Air Force Academy Graduates). Provides the Board Chairman the discretion to remove Board members for failing to attend two consecutive meetings without good cause or advanced notice. Recommends the Board meet at least four times annually. Requires the Secretary of the Air Force and the Superintendent to provide the Board necessary access to Academy grounds, the cadets, faculty, and staff to fulfill its duties. Requires the Board to submit a written report within 30 days of any meeting to the Secretary of Defense, Secretary of the Air Force, and both the House and Senate Committees on Armed Services. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Ryun, Jim (KS) #28: Requires the Secretary of Defense to initiate senior officer official educational and training programs with Taiwan. Specifies that the exchanges would focus on the defense of Taiwan against a potential submarine attack and potential missile attack, and would also include activities related to civil-military relations, including parliamentary relations. **(10 minutes) AGREED TO**

Flake/Weldon (PA)/Bordallo/Simmons/Franks/Jones (NC)/Wilson (SC) #38: Revises an Army regulation that requires South Korea-based combat troops to be involved in 5 firefights in order to qualify for their combat recognition medals (the Combat Infantry Badge and the Combat Medical Badge). For troops elsewhere, the requirement is 1 firefight. Normalizes the rules without respect to where the troops are serving. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Shimkus #20: Requires the Secretary of the Army to establish a Combat Service Recognition Ribbon to recognize participation in combat by members of the Army, regardless of branch, for service performed after August 1, 1990. Qualifications would be similar to that of the Navy Combat Action Ribbon, but would be established by the Secretary of the Army. A ribbon may not be awarded to a member of the Army who was awarded the Combat Infantryman Badge or the Combat Medic Badge for the same period of service. **(10 minutes) AGREED TO AS PART OF THE EN BLOC AMENDMENT**

Smith, Adam (WA) #59: Allows the Department of Defense, Nisqually Tribe, and Bonneville Power Administration to complete their agreement to move power lines currently crossing the Nisqually Indian Reservation to land on the Fort Lewis Army base. Provides that the Tribe will purchase 416 non-federal land holdings on the base and transfer those lands to the Defense Department, while DoD will transfer 168 acres of land into trust to the Secretary of the Interior for the Nisqually Indian Tribe. **(Note: the Military Construction Authorization Act for Fiscal Year 2002 (P.L. 107-107) authorized the conveyance of 138 acres of land to the Nisqually Tribe. Instead of conveying the land, the Smith amendment would put it into trust**

and increase the acreage.) (10 minutes) **AGREED TO AS PART OF THE *EN BLOC* AMENDMENT**

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